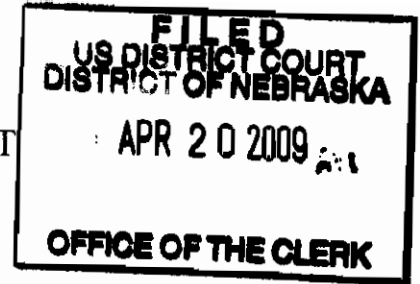


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA



JOHN C. BUEB,

Plaintiff(s),

vs.

C-H ENTERPRISES, INC., a  
Nebraska Corporation; KOREA  
INFRA-RED CORP.,

Defendant(s).

Case No. 8:07 CV 462

ORDER ON  
FINAL PRETRIAL  
CONFERENCE

A final pretrial conference was held on the 20<sup>th</sup> day of April, 2009.  
Appearing for the parties as counsel were:

~~Dan Connell  
Dan Connell, P.C.  
205 E. Sixth Street; P.O. Box 1336  
Storm Lake, IA 50588~~

David Houghton  
LIEBEN, WHITTED, HOUGHTON,  
SLOWIACZEK & CAVANAGH, P.C., L.L.O.  
100 Scoular Building  
2027 Dodge Street  
Omaha, Nebraska 68102

Milton Katskee  
KATSKEE, HENATSCH & SUING  
10404 Essex Crt., Suite 100  
Omaha, Nebraska 68114

DSH  
mark RFK

Ronald Krause  
CASSEM, TIERNEY, ADAMS, GOTCH & DOUGLAS  
Suite 300  
8805 Indian Hills Drive  
Omaha, Nebraska 68114

**(A) Exhibits.** See attached Exhibit Lists.

**(B) Uncontroverted Facts.** The parties have agreed that the following may be accepted as established facts for purposes of this case only:

1. Plaintiff is and was at all times material a resident of Buena Vista County, Iowa and a citizen of the State of Iowa.

2. Defendant C-H is a Nebraska Corporation with its principal place of business in Elkhorn, Nebraska, and is in the business of selling and distributing certain products including the Far-Infrared Health System Sauna Model No. ZH-1-KD-(P).

3. Defendant KIRC is a Korean Corporation with its principal place of business in Inchon, Korea, but does business in the State of Nebraska. KIRC manufactures electric saunas that are sold and distributed in the United States including but not limited to Nebraska and Iowa. KIRC manufactured the Far-Infrared International Health System Sauna Model Number ZH-1-KD-(P), Serial Number 04-047-1009.

4. Plaintiff purchased the Far-Infrared International Health System Sauna Model Number ZH-1-KD-(P), Serial No. 04-047-1009 on or about September 16, 2004 at the Clay County Fair in Spencer, Iowa.

5. Defendant KIRC manufactured the sauna purchased by plaintiff.

6. Defendant C-H sold, distributed, marketed, and placed into the stream of commerce the sauna purchased by plaintiff.

7. Plaintiff has not sustained any loss of income in connection with his use of the sauna.

8. Defendants are subject to the jurisdiction of this Court, and venue in this Court is proper.

**(C) Controverted and Unresolved Issues.** As asserted by the Plaintiff, the issues remaining to be determined and unresolved matters for the court's attention are:

1. Whether the Sauna was defective in any of the following respects:
  - a. That it exceeded safe temperatures when used for a foreseeable time increment;
  - b. That the thermostat sensor temperature is not indicative of the hottest areas in the Sauna;
  - c. That there is a lack of proper warnings and instructions concerning the temperature and burn hazards of the Sauna;
  - d. That the Sauna fails to comply with the applicable safety regulations; and,
  - e. That the heating control is not fail safe.
2. Whether Defendants failed to exercise reasonable care in warning about, designing, testing, labeling, manufacture, marketing, sale, or distribution of the Sauna, in that using the Sauna for its intended purpose caused unreasonable, dangerous and foreseeable injuries, including severe burns which would require skin-grafting treatment.
3. Whether Defendants failed to warn reasonably foreseeable users of the danger of using the product.
4. Whether the Sauna was defective in its warnings and was, therefore,

unreasonably dangerous.

5. Whether the Sauna was defective in its design and was, therefore, unreasonably dangerous.

6. Whether the Sauna was defective in its manufacture and was, therefore, unreasonably dangerous.

7. Whether the Sauna was not of merchantable quality and was not safe or fit for its intended use.

8. Whether contrary to express warranties made by the Defendants, the Sauna did not meet industry quality standards.

9. Whether Defendants' conduct, as alleged herein, was likely to mislead a reasonable consumer, such as Plaintiff, acting reasonably under the circumstances to believe that the Sauna was a safe product to use for the health benefits claimed and promoted by Defendants in violation of the Nebraska Deceptive Trade Practices Act.

10. Whether as a direct and proximate result of Defendants' negligence, breach of common law or statutory duty or breach of warranties Plaintiff has sustained damages.

11. The nature and extent of Plaintiff's damages.

12. Whether Defendants have acted with malice or have shown a reckless and outrageous indifference to a highly unreasonable risk of harm associated with

their product and have acted with a conscious indifference to the health, safety and welfare of others all of which have resulted in the incident described herein, such that Plaintiff is entitled to punitive damages.

As asserted by the Defendants, the issues remaining to be determined and unresolved matters for the court's attention are:

1. Whether or not the plaintiff misused the sauna for its intended purpose.
2. Whether or not the sauna was defective, contained the proper temperature sensors or proper warnings and instructions and complied with the applicable safety regulations.
3. The scope of defendant C-H Enterprises' duty to plaintiff.
4. The scope of KIRC's duty to plaintiff.
5. Whether or not the defendants breached any duty to plaintiff.
6. Whether or not any alleged breach of defendants' duty caused injury to plaintiff.
7. The extent of plaintiff's injuries.
8. Whether or not defendants properly warned plaintiff.
9. Whether or not the sauna was designed properly.
10. Whether or not the sauna was properly manufactured.
11. Whether or not either defendant breached any express or implied warranties.
12. Whether or not either defendants' actions violated the Nebraska Deceptive Trade Practices Act.
13. Whether or not plaintiff's injuries were caused by his own negligence and fault.
14. Whether or not plaintiff assumed the risk of using the sauna.

15. Whether or not the plaintiff altered, modified or otherwise changed the sauna.

16. Whether or not plaintiff failed to mitigate his damages.

17. Whether or not plaintiff's claims are barred by the UCC.

**(D) Witnesses.** All witnesses, including rebuttal witnesses, expected to be called to testify by plaintiff, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

1. John C. Bueb
2. C. Daniel Connell

All witnesses expected to be called to testify by defendants, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

See C-H Enterprises, Inc.'s Disclosure of Non-Expert Witnesses and Defendant Korea Infra-Red Corp.'s Disclosure of Non-Expert Witnesses as attached hereto.

It is understood that, except upon a showing of good cause, no witness whose name and address does not appear herein shall be permitted to testify over objection for any purpose except impeachment. A witness whose only testimony is intended to establish foundation for an exhibit for which foundation has not been waived shall not be permitted to testify for any other purpose, over objection, unless such witness has been disclosed pursuant to Federal Rule of Civil Procedure 26(a)(3). A witness appearing on any party's witness list may be called by any other party.

**(E) Expert Witnesses' Qualifications.** Experts to be called by plaintiff and their qualifications are:

1. Troy D. Ivey, D.O., via deposition;
2. Dr. Paul A. Barber, via deposition; and
3. Dr. Jerry Lee Hall, Ph.D. - *Pending motion on supplemental opinion*

The qualifications of each witness can be found in Plaintiff's Designation of Expert Witnesses.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. BUEB,

Plaintiff,

v.

C-H ENTERPRISES, INC., a Nebraska  
Corporation; KOREA INFRA-RED CORP.,

Defendant.

CASE NO. 8:07-cv-462

DEFENDANT KOREA INFRA-RED  
CORP.'S DISCLOSURE OF  
NON-EXPERT WITNESSES

COMES NOW defendant Korea Infra-Red Corp., by and through its counsel of record, and pursuant to Federal Rule of Civil Procedure 26(a)(3) and the Court's Order setting progression of the case (Filing 25), hereby makes its disclosure of non-expert witnesses. Defendant reserves the right to supplement this list. The non-expert witnesses are as follows:

**WILL CALL:**

John Bueb  
~~210 Main Street~~  
Storm Lake, Iowa 50588

Chuck Bannister  
C-H Enterprises  
~~2826 North 11th~~  
Elkhorn, Nebraska 68022

Na Hyun Cho  
~~100-100-11 Nam Seok Dong~~  
Dong Ku, Inchon Korea

**MAY CALL:**

All of the witnesses listed by plaintiff, particularly including  
Dr. Paul Barber, Dr. Troy Ivey and Dr. Vikrant Salaria

Bryan R. Wallersted  
~~200 South 20th Street~~  
Sac City, Iowa 50583-2104

Any and all witnesses listed by C-H Enterprises, Inc.

DSH  
MAK RPK

Donald DeWitt  
C-H Enterprises  
2826 North Main  
Elkhorn, Nebraska 68022

Sandy Ayer  
C-H Enterprises  
2826 North Main  
Elkhorn, Nebraska 68022

Cynthia Toovey  
C-H Enterprises  
2826 North Main  
Elkhorn, Nebraska 68022

Sung-Hyun Cho  
144 1st Street  
Yonkers, New York 10510

Don Han  
206 Han Way  
Kyu-Yung Kim  
Kyu-Yung Kim

Dr. George Wandling  
Wandling Engineering, P.C.  
923 North 2<sup>nd</sup> Street  
Ames, Iowa 50010-3393

Dr. David Robert Finkle  
1229 North 12<sup>th</sup> Street  
Omaha, Nebraska 68154

*Pending Robert Motion*

Dan Connell  
Attorney at Law  
205 East 6<sup>th</sup> Street  
P.O. Box 1336  
Storm Lake, Iowa 50588

Defendant reserves the right to list additional witnesses at such time as depositions and discovery are completed, including witnesses identified by other parties to this suit.

Dated this 31<sup>st</sup> day of December, 2008.



~~C:\007\00462 LES TDT Document #183 Date Filed: 6/16/2009 Page 1 of 4~~

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. BUEB,

Plaintiff,

**-VS.-**

C-H ENTERPRISES, INC., a  
Nebraska Corporation; KOREA  
INFRA-RED CORP.

**Defendants.**

CASE NO.: 8:07 CV 462

## C-H ENTERPRISES, INC.'S DISCLOSURE OF NON-EXPERT WITNESSES

**NOW COMES** defendant, C-H Enterprises, Inc., and for its disclosure of Non-Expert

**Witnesses, designates the following persons:**

**WILL CALL:**

**John Bueb**

Storm Lake, Iowa 50588

## Chuck Bannister

## C-H Enterprises

Elkhorn, Nebraska 68022

**Donald DeWitt**

## C-H Enterprises

Elkhorn, Nebraska 68022

**Na Hyun Cho**

Dong Ku, Incheon Korea

Probably requires interpreter  
Council made of regiments

mark DSU  
RFK

~~Case: 8:07-cv-00462-LES-TDT Document: 83 Filed: 04/20/09 Page: 10 of 34~~

MAY CALL:

All of the witnesses listed by plaintiff, particularly including Dr. Paul Barber,  
Dr. Troy Ivey and Dr. Vikrant Salaria

Any and all of the witnesses listed by co-defendant Korea Infra-Red

Bryan R. Wallersted  
~~2826 North 13th Street~~  
Sac City, Iowa 50583-2104

Sandy Ayer  
C-H Enterprises  
~~2826 North 13th Street~~  
Elkhorn, Nebraska 68022

Cynthia Toovey  
C-H Enterprises  
~~2826 North 13th Street~~  
Elkhorn, Nebraska 68022

~~Sung Hyun Cho~~  
~~1000 E. Jamsil-Dong~~  
~~Kan Sa Ku, Incheon Korea~~

~~Doo Hyun Kim~~  
~~600 Han Woon, Seoul 152-8~~  
~~Jack Jung Dong Kyun Dong~~  
~~Kyu Yung Ku, Incheon K~~

Dr. George Wandling  
Wandling Engineering, P.C.  
~~200 North 13th Street~~  
Ames, Iowa 50010-3393

~~Pending Request Motion~~

Dr. David Robert Finkle  
~~1000 North 13th Street~~  
Omaha, Nebraska 68154

Pending Request Motion

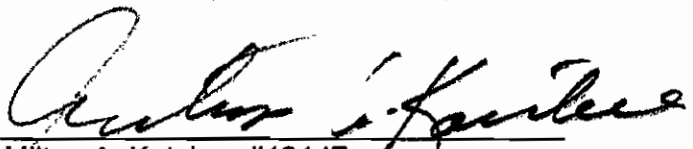
MM  
DST  
RFR

~~CONFIDENTIAL~~

Dan Connell  
Attorney at Law  
205 East 6<sup>th</sup> Street  
P.O. Box 1336  
Storm Lake, Iowa 50588

C-H Enterprises, Inc. reserves the right to list additional witnesses at such time as depositions and discovery are completed, including witnesses identified by other parties to this suit.

C-H ENTERPRISES, INC., Defendant,

By   
Milton A. Katskee #12147  
Of KATSKEE, HENATSCH & SUNG  
10404 Essex Court, Suite 100  
Omaha, Nebraska 68114  
(402) 391-1697

Its Attorneys.

Copies forwarded to:

Mr. David Houghton  
Mr. Andrew G. Davis  
LIEBEN, WHITTED, HOUGHTON,  
SLOWIACZEK & CAVANAGH, P.C., LLO  
100 Scoular Building  
2027 Dodge Street  
Omaha, Nebraska 68102

MAX DELA REK

~~Case 8:07-cv-00462-LES-TDT Document #: 75 Date Filed: 04/16/2009 Page 12 of 34~~

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. BUEB,

Plaintiff,

v.

C-H ENTERPRISES, INC., a Nebraska  
Corporation; KOREA INFRA-RED CORP.,

Defendant.

CASE NO. 8:07-cv-462

DEFENDANT KOREA INFRA-RED  
CORP.'S LIST OF TRIAL EXHIBITS

Trial Dates:

EXHIBIT NO. PL DF 3PTY	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD	DATE
201	Sales Order 12093 of C-H Enterprises, Inc. for sale to John C. Bueb (K0001).			✓		
202	E-mail from Mr. Na Hyun Cho of December 20, 2005 to C-H Enterprises regarding accident claim (K0002).			✓		
203	Photographs of warning plates attached to the saunas (K0003).		F			
204	Regulations pertaining to warnings on saunas (K0004-K0005).		F, R			
205	CSA temperature test results issued September 15, 1988 (K0006-K0007).		F, R			
206	Original United States patent issued for a ceramic heater, once patent expired this became the		F, R			

DBT  
MAK RFR

Recd

		basis for KIRC's ceramic heaters (K0008-K0012).					
207		Flow chart of manufacturing process (K0013).	F, R				
208		Diagrams of installations of heaters within the sauna and their connections (K0014-K0018).	F, R				
209		SGS test report for safety of 230V/350W ceramic heater, KIRC uses same wattage heater, 120V/350W (K0019-K0022).	F, R				
210		Specifications on controls (K0023-K0025).	F, R				
211		Diagram of the back side heater (heater, reflector and protector) (K0026).			✓		
212		Owner's manual distributed by C-H Enterprises for use with Korea Infra-Red Health Cabin (K0027-K0038).	F, R				
213		Biographical sketch of Dr. George R. Wandling.	F, R				
214		August 28, 2008 report of Dr. George R. Wandling.	F, R Doubt				
215		Curriculum vitae of Dr. David R. Finkle.	F, R Cun				
216		August 11, 2008 report of Dr. David R. Finkle.	F, R Cun				
217		Medical records of Trimark-			✓		

*Recd*

		Buena Vista Clinic (redacted excerpts) (Deposition Exhibit 107).					
<i>218</i>		Medical records of Buena Vista Medical Center from 12/05 to 5/06 (redacted excerpts) (Deposition Exhibit 108).			✓		
<i>219</i>		Medical records of Buena Vista County Hospital 7-19-99 admission (redacted excerpts) (Deposition Exhibit 109).			✓		
<i>220</i>		Folder containing photographs 1 through 30 and X001 through X004 as taken by Wandling Engineering on August 26, 2008.		F			
<i>221</i>		December 15, 2005 letter from Mr. Connell to C-H Enterprises (Bueb 000001).		F			
<i>222</i>		Infra-Red Health Cabin Warranty Registration (Bueb 000002).		F, R			
<i>223</i>		Actual warning plate from sauna.		F, R			

OBJECTIONS

R: Relevancy  
H: Hearsay  
A: Authenticity  
O: Other (specify)

KOREA INFRA-RED CORP., Defendant.

s/ Ronald F. Krause

Ronald F. Krause Bar Number: 15980

Attorney for Defendant

Cassem, Tierney, Adams,

*MAK DSU RPK*



Gotch & Douglas  
Suite 300  
8805 Indian Hills Drive  
Omaha, Nebraska 68114-4070  
Telephone: (402) 390-0300  
Fax: (402) 390-9676  
E-mail: rkrause@ctagd.com

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Andrew G. Davis  
David S. Houghton  
100 Scouler Bldg.  
2027 Dodge Street  
Omaha, Nebraska 68102

Milton A. Katskee  
10404 Essex Court, Suite 100  
Omaha, Nebraska 68114

Dan Connell  
Dan Connell, P.C.  
205 East Sixth  
P.O. Box 1336  
Storm Lake, Iowa 50588

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

s/ Ronald F. Krause  
Ronald F. Krause Bar Number: 15980  
Attorney for Defendant  
Cassem, Tierney, Adams,  
Gotch & Douglas  
Suite 300  
8805 Indian Hills Drive  
Omaha, Nebraska 68114-4070  
Telephone: (402) 390-0300  
Fax: (402) 390-9676  
E-mail: rkrause@ctagd.com

MAK <sup>DUT</sup> REF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. BUEB,

Plaintiff,

vs.

C-H ENTERPRISES, INC., a Nebraska  
Corporation; KOREA INFRA-RED CORP.,

Defendants.

Case No. 8:07-CV-00462

**PLAINTIFF'S EXHIBIT LIST**

EXHIBIT		DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
PL.	DEF.						
1		12/15/05 Letter to C-H Enterprises from Dan Connell [BUEB00001], unredacted		R,H prej, Found ation, insur			
2		11/16/04 C-H Enterprises Sales Order and copy of 09/18/04 check for \$3,418.65 [Bueb Depo Ex 1]			✓		
3		Owner's Manual, C-H Enterprises Far Infrared Health Cabin [Bueb Depo Ex 2]			✓		
4		Infra Red Health Cabin Warranty Registration [Bueb Depo Ex 3, BUEB00002]			✓		
5		Infra Red Sauna Installation Information [Bueb Depo Ex 5, BUEB00003]		R, Found ation			

DSH  
RFK  
MAK

EXHIBIT	DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
6	Infra Red Health System Portable Non-Sauna Sauna Product Information [Bueb Depo Ex 5, BUEB00004- 00005]		R, Found ation			
7	Assembly Instructions with handwritten notes [Bueb Depo Ex 5, BUEB00006]		R, Found ation			
8	Assembly Instructions [Bueb Depo Ex 5, BUEB00008]		R, Found ation			
9	Parts List [Bueb Depo Ex 5, BUEB00009]		R, Found ation			
10	Sauna Facts & Tips [Bueb Depo Ex 5, BUEB00007]		R, Found ation			
11	Far-Infrared Health Systems Int'l Product Information [Bueb Depo Ex 5, BUEB00010-00011]		R, Found ation			
12	C-H Enterprises Far Infrared Health Cabin Saunas Product Information (C-H Initial Disclosures)			✓		
13	C-H Enterprises Warranty (C- H Initial Disclosures)			✓		
14	Color Photos of Sauna (C-H Initial Disclosures)			✓		
15	C-H Enterprises' General Casualty Co. Policy, #CCI 0262858 (C-H Initial Disclosures)		R,H prej, insur, Found			

MMK  
JST  
REF

EXHIBIT	DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
			ation			
16	12/20/05 Email from Na Hyun Cho to C-H Enterprises re: About Accident [K0002]			✓		
17	Photos of Warning Plates [K0003]			✓		
18	Regulations pertaining to Warnings on Saunas [K0004-0005]			✓		
19	09/15/88 CSA Temperature Test Results [K0006-0007]			✓		
20	06/15/71 United States Patent for Ceramic Heater [K0008-0012]			✓		
21	Flowchart of the Manufacturing Process [K0013]			✓		
22	Diagrams of Installations of Heaters within the Sauna and their Connections [K0014-0018]			✓		
23	06/18/01 SGS Test Report for Safety of 230V/350W Ceramic Heaters [K0019-0022]			✓		
24	Specifications on Controls [K0023-0025]			✓		
25	Diagram of Back Side of Heater, Reflector, and Protector for Full Heater Length of 740mm [K0026]			✓		
26	Diagram of Back Side of			✓		

Don't  
MKE RPK

EXHIBIT	DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
<del>27</del>	Heater, Reflector, and Protector for Full Heater Length of 440mm [K0058]					
28	Parts List and Diagrams [K0039-0047]		R, Found ation			
29	Photos of Protectors, Heater and Reflector [K0048-0050]		R, Found ation			
30	Assembly Instructions [K0051-0053]		R, Found ation			
31	KIRC's Ceramic Heater Specification [K0054]		R, Found ation			
32	KIRC's Ceramic Heater Test Result [K0055]		R, Found ation			
33	KICM Product Information in Korean [K0056]		R, Cumul ative			
34	KICM Blood Circulation Test [K0057]		R, Found ation			
35	Product Information from <a href="http://www.kirc.co.kr">www.kirc.co.kr</a>		A,R,H, Found ation, prej			
36	Dr. Troy Ivy Medical Records			✓		
37	Trimark – Buena Vista Clinic Medical Records			✓		
38	Buena Vista Regional			✓		

not  
REF

EXHIBIT	DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
<del>38</del>	Medical Center Medical Records					
40	St. Luke's Regional Medical Center Medical Records		R			
41	Spencer Municipal Hospital Medical Records		R			
42	Northwest Iowa Bone, Joint & Sports Surgeons Medical Records		R			
43	Trimark – Buena Vista Clinic Medical Bills and Summary [Depo Ex 105]			✓		
44	Dr. Troy Ivy Medical Bills and Summary [Depo Ex 104]			✓		
45	Buena Vista Regional Medical Center Medical Bills and Summary [Depo Ex 106]			✓		
46	11/21/06 Report of Jerry Hall and Mark Wade		H, Found ation, Cumul ative			
47	03/03/09 Report of Jerry Hall		H, Found ation, Cumul ative			
48	Jerry Hall CV		H, Found ation, Cumul ative			
49	Mark Wade CV		H,			



EXHIBIT	DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
			Found ation, Cumul ative			
50	12/04/08 John Bueb Deposition		H,R			
51	03/25/09 Charles Bannister Deposition		R, prej, Insur 99-100			
52	04/25/08 Plaintiff's Initial Disclosures		H,R			
53	06/27/08 Plaintiff's Expert Disclosures		H, Found ation, Cumul ative			
54	07/17/08 Plaintiff's Answers to Defendants' Interrogatories		H,R, Found ation			
55	07/17/08 Plaintiff's Response to Defendants' Request for Production of Documents		H,R, Found ation			
56	04/25/08 KIRC's Initial Disclosures			✓		
57	07/21/08 KIRC's Answers to Interrogatories			✓		
58	07/21/08 KIRC's Responses to Requests for Production of Documents			✓		
59	04/25/08 C-H Enterprises		R, prej,			

EXHIBIT	DESCRIPTION	OFF	OBJ	RC V D	NOT RCV D	DATE
	Initial Disclosures, unredacted		insur			
60	07/18/08 C-H Enterprises Answers to Interrogatories, unredacted		R, prej, insur			
61	07/18/08 C-H Enterprises Responses to Request for Production of Documents, unredacted		R, prej, insur			
62	08/29/08 Designation of Expert Witnesses by C-H Enterprises and KIRC, unredacted			✓		
	All Exhibits Offered by Defendants					

R – Relevance  
H – Hearsay  
A – Authenticity  
O – Other (specify)

JOHN C. BUEB, Plaintiff

By: /s/ David S. Houghton  
David S. Houghton, #15204  
LIEBEN, WHITTED, HOUGHTON,  
SLOWIACZEK & CAVANAGH, P.C., L.L.O.  
100 Scoular Building, 2027 Dodge Street  
Omaha, NE 68102  
(402) 344-4000/(402) 930-1099 – FAX  
E-Mail [dhoughton@liebenlaw.com](mailto:dhoughton@liebenlaw.com)

David  
MAK RFK

Dan Connell  
*Admitted Pro Hac Vice*  
DAN CONNELL, P.C.  
205 East Sixth  
P.O. Box 1336  
Storm Lake, IA 50588  
(712) 732-6371/(712) 732-4984 – FAX  
E-Mail: [dconnell@iw.net](mailto:dconnell@iw.net)

*ATTORNEYS FOR PLAINTIFF*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of April, 2009, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

Milton A. Katskee  
[milt@katskee.com](mailto:milt@katskee.com)  
*Counsel for C-H Enterprises, Inc.*

Ronald F. Krause  
[rkrause@ctagd.com](mailto:rkrause@ctagd.com)  
*Counsel for Korea Infra-Red Corp.*

/s/ David S. Houghton

290344

DAVID  
MAK RFK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. BUEB,

Plaintiff,

-vs.-

C-H ENTERPRISES, INC., a  
Nebraska Corporation; KOREA  
INFRA-RED CORP.

Defendants.

CASE NO.: 8:07 CV 462

**DEFENDANT C-H ENTERPRISES, INC.'s  
LIST OF ANTICIPATED EXHIBITS**

NOW COMES the defendant, C-H Enterprises, Inc., and serves its list of exhibits that defendant anticipates offering into evidence at time of trial. Defendant lists the following exhibits:

No.	Document	No. of Pages	Offered	Objected	Rec'd
<del>60</del> 101	Copy of John Bueb's C&H Enterprises, Inc. Far Infrared Health Cabins Sales Order and Check	1			✓
<del>61</del> 102	Owner's Manual C&H Enterprises Far Infrared Health Cabin	12			✓
<del>62</del> 103	C&H Far Infrared Health Cabins Warranty Registration	1			✓

MAR 28 2009  
RFK

No.	Document	No. of Pages	Offered	Objected	Rec'd
<del>63</del> 104	Copy of Warning Placard that is Placed in the Interior of the Sauna	1			✓
<del>64</del> 105	Far Infrared Health Cabin Saunas Tri-Fold Brochure	2			✓
<del>65</del> 106	Photograph of the Exterior of the Sauna With the Door Opened	1		F	
<del>66</del> 107	Photograph of the two Heating Elements Located on the Backside of the Seating Bench Inside of the Sauna	1		F	
<del>67</del> 108	Photograph of the Interior of the Sauna and the Warning Placard Affixed Above the Entrance	1		F	
<del>68</del> 109	Close-Up Photograph of the Interior of the Sauna and the Warning Placard Affixed Above the Entrance	1		F	
<del>69</del> 110	Photograph of the Top of the Sauna	1		F	
<del>70</del> 111	Photograph of the Back Side Heaters and the Seating Bench with the Top Removed Inside of the Sauna	1		F	
<del>71</del> 112	Photograph of the Heating Element Inside of the Sauna	1		F	

DEW  
MAX RFX

No.	Document	No. of Pages	Offered	Objected	Rec'd
<del>72</del> 112	Photograph of the Exterior Side of the Sauna	1		F	
<del>73</del> 114	Long Shot Photograph of the Exterior of the Sauna With the Door Opened	1		F	
<del>74</del> 115	Photograph of the Top of the Sauna	1		F	
<del>75</del> 116	Photograph of an Alternate View of the Top of the Sauna	1		F	
<del>76</del> 117	Photograph of the Heating Element Inside of the Sauna	1		F	
<del>77</del> 118	Close-Up Photograph of the Owner's Manual on top of the Sauna Box	1		F	
<del>78</del> 119	Photograph of the Owner's Manual on top of the Sauna Box	1		F	
<del>79</del> 120	Photograph of "Health Cabin Facts & Tips" on top of the Sauna Box	1		F	
<del>80</del> 121	Photograph of Instructions on "Using Your Health Cabin" on top of the Sauna box	1		F	
<del>81</del> 122	Photograph of Warranty on top of the Sauna box	1		F	

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RFK



No.	Document	No. of Pages	Offered	Objected	Rec'd
<del>82</del> 123	Photograph of Control Box, Towels, Instructions and Warranty on top of the Sauna Box	1		F	
<del>83</del> 124	Long Shot Photograph of the Exterior of the Sauna with the Door Closed	1		F	
<del>84</del> 125	Brochure Entitled "The Anti-Cancer Benefits of Far Infrared"	1		F, R	
<del>85</del> 126	Brochure Entitled "Far Infrared Health Cabin Sauna 'Heart Smart'"	2		F, R	
<del>86</del> 127	United States Patent # 3,585,390 for Ceramic Infra Red Heating Tubes	5		F, R	
<del>87</del> 128	Presentation by Korea Infra-Red Corp. Entitled, "What is Infra-Red?"	19		F, R	
<del>88</del> 129	Heater Guard and Hyperthermia Warnings	1		F, R	
<del>89</del> 130	Fire Warning	1		F, R	
<del>90</del> 131	List of Tests that were Performed on the Sauna	2		F, R	
<del>91</del> 132	Flowchart of the Manufacturing Process	1		F, R	
<del>92</del> 133	Selections of plaintiff's medical records from Buena Vista Medical Center	23			✓

MAX 28th  
RFR

No.	Document	No. of Pages	Offered	Objected	Rec'd
<del>93</del> 134	Selections of plaintiff's medical records from Buena Vista County Hospital	7			✓
<del>94</del> 135	Selections of plaintiff's medical records from Trimark-Buena Vista Clinic	22			✓
<del>95</del> 136	Curriculum Vitae of George Wandling	5		F, R	
<del>96</del> 137	Curriculum Vitae of David R. Finkle, M.D.	2		F, R	

OBJECTIONS

R: Relevancy  
H: Hearsay  
A: Authenticity  
O: Other (specify)

Copies of all such exhibits are believed to be in the possession of plaintiff's attorney. If plaintiff's attorney wishes to examine such exhibits, he may contact the attorneys for the undersigned defendants, and the exhibits will be made available for inspection at a reasonable time. Should plaintiff's attorney wish to have copies of any exhibit listed above, he should contact the attorneys for the undersigned defendants and such copies will be made and provided to him at plaintiff's expense.

MAX DS14  
RFR

C-H ENTERPRISES, INC.,  
Defendant,

By 

Milton A. Katskee, #12147  
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10404 Essex Court, Suite 100  
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(402) 391-1697

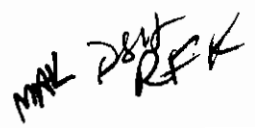
Its Attorneys.

Copies forwarded to:

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8805 Indian Hills Drive  
Suite 300  
Omaha, Nebraska 68114



**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing instrument/pleading was served upon all parties or attorneys of record at the addresses set forth above on the 14<sup>th</sup> day of April, 2009.

By: ☒ U.S. Mail, postage prepaid    ☐ Facsimile Transmission  
     ☐ Hand Delivery                                    ☐ Overnight Courier  
     ☐ Electronic mail

Signature

A handwritten signature in black ink, appearing to read "Charles C. Hunter", is written over a horizontal line. The signature is fluid and cursive.

DSH  
MAX RPK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. BUEB,

**Plaintiff,**

**VS.**

**C-H ENTERPRISES, INC., a Nebraska Corporation; KOREA INFRA-RED CORP.,**

**Defendants.**

Case No. 8:07-CV-00462

**PLAINTIFF'S  
DEPOSITION DESIGNATIONS**

CHARLES BANNISTER  
March 25, 2009

PLAINTIFF'S DESIGNATION	DEFENDANTS' OBJECTION	DEFENDANTS' COUNTER- DESIGNATION	PLAINTIFF'S OBJECTION
3:1-18			
5:8-11			
6:18-7:9			
7:12-20			
7:21-10:1			
10:5-11:14			
11:15-13:4			
13:14-15:11			
15:15-16:4			
16:5-17:1	R, prejudice, economic status		
17:2-19			
18:10-19:16			
19:20-20:3			
20:4-21:18			
21:19-23:6			
23:15-25:9			
25:10-26:4		26:5-8	
26:9-15		26:16-23; 27:16-24	
28:7-30:10		30:11-15	
30:16-31:15			
32:17-38:25	Foundation		
40:9-41:13	Foundation		

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41:14-42:24		42:17-43:6	
43:7-46:6	Foundation		
46:7-47:22	Foundation	47:23-49:15	
53:10-54:23	Foundation	49:19-50:1,51:12-53:22	
56:10-17		55:8-56:9	
57:20-60:25	Foundation	56:18-60:9	
61:1-21			
62:9-64:7			
65:6-8			
66:15-67:1			
67:19-68:5			
68:6-69:7		69:12-70:11	
70:6-25			
74:6-76:17		78:14-23	
80:7-81:1		78:24-80:11	
95:21-96:6		80:12-81:13	
105:9-108:25		83:22-84:13	
109:17-111:1		90:5-15	
		94:7-95:6	
		104:14-105:8	
		109:2-16	
		112:6-16	
		113:23-114:23; 116:6-14	

JOHN C. BUEB, Plaintiff

By: /s/ David S. Houghton

David S. Houghton, #15204  
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*Defendants designations*  
*July no 74.*  
*July no 78.*

*DSH*  
*max REV*



Experts to be called by defendant and their qualifications are:

*George R. Wendling, P.E. and Daniel R. Dunkle, M.D.*  
*See #43*

See Designation of Expert Witnesses by Defendants C-H Enterprises Inc., and Korea Infra-Red Corp. as attached hereto.

(F) **Voir Dire.** Counsel have reviewed Federal Rule of Civil Procedure 47(a) and NECivR 47.2(a) and suggest the following with regard to the conduct of juror examination:

Court to conduct Voir Dire with latitude for counsel to ask follow-on questions.

(G) **Number of Jurors.** Counsel have reviewed Federal Rule of Civil Procedure 48 and NECivR 48.1 and suggest that this matter be tried to a jury composed of 12 members.


(H) **Verdict.** The parties will not stipulate to a less-than-unanimous verdict. (If applicable), the parties' stipulation is: after 6 hours less-than-unanimous verdict is acceptable.

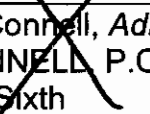
(I) **Briefs, Instructions, and Proposed Findings.** Counsel have reviewed NECivR 39.2(a), 51.1(a), and 52.1, and suggest the following schedule for filing trial briefs, <sup>and</sup> proposed jury instructions, ~~and proposed findings of fact~~, as applicable:


Trial briefs, <sup>and</sup> proposed jury instructions, ~~and proposed findings of fact~~ be filed five (5) working days before the first day of trial.  
*Exhibit notebooks to trial judge at least five working days before trial.*

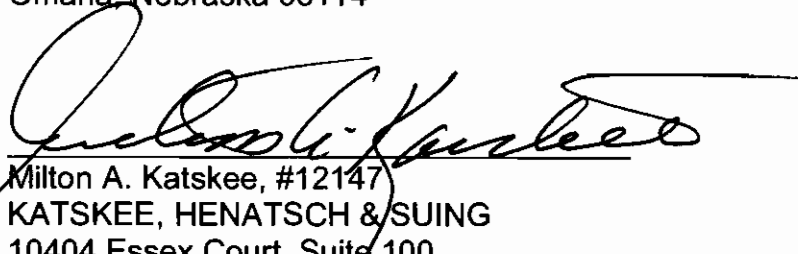
(J) **Length of Trial.** Counsel estimate the length of trial will consume not less than 3 day(s), not more than 4 ½ day(s), and probably about 3 ½ day(s).

(K) **Trial Date.** Trial is set for ~~May 4, 2009.~~ *June 15, 2009.*

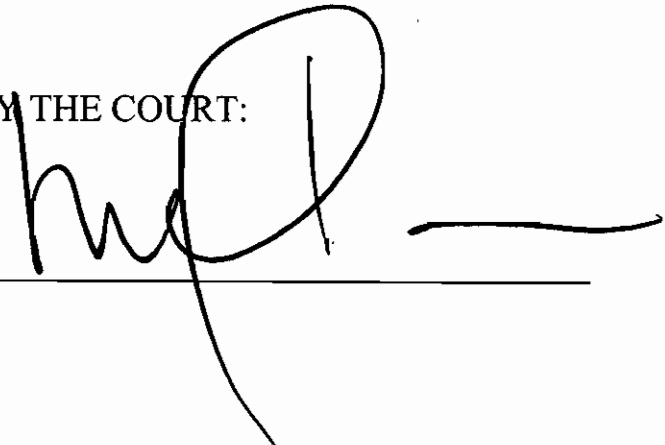
  
\_\_\_\_\_  
Mr. David Houghton, #15204  
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\_\_\_\_\_  
Milton A. Katskee, #12147  
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10404 Essex Court, Suite 100  
Omaha, Nebraska 68114  
(402) 391-1697

BY THE COURT:

  
\_\_\_\_\_

4/20/09